

ORDINANCE NO. 08-05

ORDINANCE AMENDING HIALEAH, FLA., ORDINANCE 05-102 (OCT. 13, 2005) THAT REZONED PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO R-2 (ONE AND TWO-FAMILY RESIDENTIAL DISTRICT) AND THAT GRANTED ASSOCIATED VARIANCES AND IN PARTICULAR, REVISING THE VARIANCE PERMIT TO ALLOW LOT COVERAGE OF 35.95% (FORMERLY GRANTED 31.5%), WHERE A MAXIMUM OF 30% IS ALLOWED, AN EXISTING WEST SIDE SETBACK OF 4.28 FEET (FORMERLY GRANTED 4.5 FEET), WHERE 7.5 FEET ARE REQUIRED, AND ALLOW AN EXISTING FRONT SETBACK OF 19.97 FEET (FORMERLY GRANTED 20.4 FEET), WHERE AT LEAST 25 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2056(b)(2), 98-546 AND 98-545. **PROPERTY LOCATED AT 481 EAST 34 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of November 28, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby amends Hialeah, Fla., Ordinance 05-102 (Oct. 13, 2005) that rezoned the below-described property from R-1 (One Family District) to R-2 (One and Two-Family Residential District) and that granted associated variances and in particular, revises the variance permit to allow lot coverage of

35.95% (formerly granted 31.8%), where a maximum of 30% is allowed, allow an existing west side setback of 4.28 feet (formerly granted 4.5 feet), where 7.5 feet are required, and allow an existing front setback of 19.97 feet (formerly granted 20.4 feet), where at least 25 feet are required, contra to Hialeah Code §§ 98-2056(b)(2), 98-546 and 98-545, which provide in pertinent part: “ A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure,” “. . . there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width.”, and “In the R-2 one- and two-family residential district, there shall be a front yard depth not less than 25 feet in distance from the front line . . .”, respectively. Property located at 481 East 34 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE EAST 65 FEET OF THE WEST 260 FEET OF TRACT 8-FA OF THE REVISED PLAT OF THE REVISED PLAT OF THE FOURTEENTH ADDITION TO THE CITY OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 29, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH THE SOUTH ½ OF THE ADJACENT ALLEY CLOSED AND VACATED FOR PUBLIC USE PURSUANT TO HIALEAH, FLA., ORDINANCE 94-104 (NOV. 25, 1994).

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

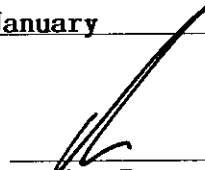
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8th day of January, 2008.

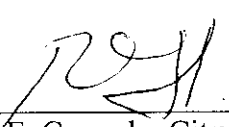
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



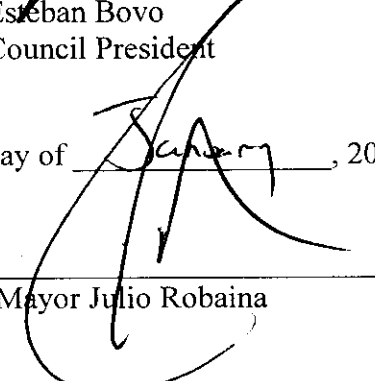
Esteban Bovo
Council President

Attest:

Approved on this 9 day of January, 2008.

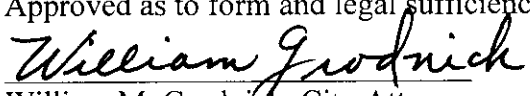


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, García-Martínez, Gonzalez, Hernandez, and Yedra voting "Yes".